

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LUIS FELIPE MORENO-GODOY,

Plaintiff,

v.

GALLET DREYER & BERKEY, LLP;
ROGER L. STAVIS, ESQ.; STEVEN R.
KARTAGENER, ESQ.,

Defendants.

Case No. 1:14-cv-7082 (PAE)

**PLAINTIFF LUIS FELIPE MORENO GODOY'S
PROPOSED QUESTIONS FOR JURY VOIR DIRE**

Plaintiff Luis Felipe Moreno Godoy, by his undersigned counsel, hereby respectfully submits his proposed questions for jury *voir dire* in the above-captioned action.

I. PROPOSED INTRODUCTION TO THE JURY

Good morning ladies and gentlemen. I am Judge Engelmayer. I will be presiding over this trial. We are here today to select a jury for the case of Luis Felipe Moreno Godoy against Roger Stavis, his prior law firm Gallet Dreyer & Berkey, LLP, and Steven Kartagener. Mr. Moreno Godoy claims that the Defendants breached their contracts with him. Mr. Kartagener has also asserted a cross-claim for indemnification against Gallet Dreyer & Berkey, LLP. I will explain to you what that means in a moment.

Defendant Roger Stavis is a lawyer, and he was a partner at the defendant law firm Gallet Dreyer & Berkey, LLP, which I will sometimes refer to as “GDB.” Plaintiff Luis Felipe Moreno Godoy hired Mr. Stavis and GDB to represent him in connection with appealing his criminal conviction, for a flat fee of \$125,000.00. I will sometimes refer to this contract as the “GDB

Agreement.” All parties agree that GDB and Mr. Stavis were paid \$125,000.00 in full for this contract.

Mr. Moreno Godoy later hired defendant Mr. Kartagener, another lawyer who was not part of GDB, to act as a second attorney and for a second set of eyes on his criminal appeal. Mr. Moreno Godoy signed a separate contract with Mr. Kartagener for this work for a flat fee of \$100,000.00. I will sometimes refer to this second contract as the “Kartagener Agreement.” All parties agree that Mr. Kartagener was paid \$100,000.00 in full for this contract.

In this lawsuit, Mr. Moreno Godoy claims that Mr. Stavis, GDB, and Mr. Kartagener breached their contracts. Mr. Kartagener discovered he could not represent Mr. Moreno Godoy. Rather than return the \$100,000.00 flat fee, Mr. Kartagener instead sent the money he received to Mr. Stavis and GDB. Mr. Stavis and GDB also kept the \$100,000.00 instead of returning it as requested. Defendants deny that they had to return the \$100,000.00. This trial is so the jury can decide the damages Defendants owe Mr. Moreno Godoy for their breaches of contract. For those of you who end up on the jury, I will give you more detailed instructions on the claims and law that apply in this case.

I mentioned to you a moment ago that Mr. Moreno Godoy hired the Defendants to represent him in appealing his criminal convictions. These were felony convictions, meaning the sentences available exceeded one year in prison. The nature and details of these convictions are not relevant to this case, and nothing that happens here will affect those convictions or the sentences that Mr. Moreno Godoy received. This case is simply about the contracts that Mr. Moreno Godoy entered into with his lawyers to handle his appeal.

We expect that this trial will last approximately two days. We will start trial each day at 9:00 a.m. and stop each day no later than 5:00 p.m. until the trial is finished.

If any of you have a problem with this schedule, you will have an opportunity to raise your scheduling concerns.

II. IDENTIFICATION OF COUNSEL AND LIKELY WITNESSES

Mr. Moreno Godoy is or has been represented by the law firm of Axinn, Veltrop & Harkrider LLP from New York, New York. The Axinn firm has been appointed by this Court to represent Mr. Moreno Godoy on a pro bono basis, which means that they were selected to represent Mr. Moreno Godoy at the Court's request and without payment for their services. The lawyers from Axinn representing Mr. Moreno Godoy are Francis Morrison, John Tanski, Craig Reiser, and Kail Jethmalani.

Mr. Stavis is representing himself. GDB is also representing itself, and the lawyers from GDB you will see in this trial are David Berkey and Jared Foley. Mr. Kartagener is represented by lawyer David Robinson. All of the Defendants' lawyers are also from New York, New York.

Please raise your hand if you know or if anyone in your immediate family knows any of the lawyers or law firms I just mentioned.

Mr. Moreno Godoy will be testifying in this trial, as will Mr. Stavis and Mr. Kartagener.

III. QUESTIONS FOR JURORS

A. Background Questions

1. What is your occupation?
2. Have you ever been self-employed?
3. Are you retired?
4. What town do you live in?
5. If you live in New York City, what neighborhood do you live in?
6. What is your educational background?
7. In what industries have you worked?

8. Who are the members of your household?
9. Has any member of your family been a lawyer?
10. Do you have any children?
 - a. How many?
 - b. How old are they?
11. Do you have any grandchildren?
 - a. How many?
 - b. How old are they?
12. What is your main source of news?
13. What websites or publications do you consult to get your news?
14. Have you ever served on a jury before?
 - a. Was it a criminal or civil case?
 - b. Please describe what the case was about.
 - c. How would you describe your experience on the jury?
 - d. Were you the foreperson?
 - e. Did the jury reach a verdict—yes or no?
15. Have you ever served on a grand jury?
16. Have you ever been a plaintiff in a lawsuit?
 - a. What was the case(s) about?
 - b. Did the case go to trial or settle?
 - c. How did you feel about the experience?
17. Have you ever been a defendant in a lawsuit?
 - a. What was the case(s) about?
 - b. Did the case go to trial or settle?
 - c. How did you feel about the experience?

18. Have you ever been a witness in court?
 - a. What was the case(s) about?
 - b. Did the case go to trial or settle?
 - c. How did you feel about the experience?

B. Specific Questions

1. Have you or any member of your family had any negative experiences with a law firm?
2. What are your overall impressions of lawyers?
3. Have you or any member of your family been the victim of a crime?
4. Are you able to hear and weigh evidence and testimony in a fair and impartial manner, even though I have told you that the plaintiff has been convicted of felony charges?
5. Are you able to accept that Mr. Moreno Godoy's felony convictions are unrelated to the subject matter of the lawsuit and judge his case without speculating about what his criminal convictions may have been?
6. Have you or any member of your family had experience trying to recoup money owed from a company, law firm or lawyer?
 - a. Please briefly describe the circumstances and outcome of that experience(s).
 - b. Did you pursue that claim for money through litigation or was the matter settled?
7. Does anyone here have any difficulty or negative feelings for a situation where a lawyer's client brought a claim against that lawyer because they felt that the lawyer for breached the contract with them?

Dated: February 22, 2022

Respectfully submitted,

/s/ John M. Tanski

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CERTIFICATE OF SERVICE

I hereby certify that on February 22, 2022, I electronically transmitted the foregoing document to the Clerk of Court using the ECF system for filing. A Notice of Electronic Filing was transmitted to all ECF registrants.

/s/ John M. Tanski

John M. Tanski